S.B. Civil Writ Petition No.3965/07
Raghuwar Dayal Vs. Rahuveer Singh & Ors.

28.5.2007

Hon'ble Mr. Justice Mohammad Rafiq

Shri Ashvin Garg for petitioner.

Heard learned counsel for the petitioner.

The petitioner has challenged the order dated 29.3.2007 whereby his application filed under section 152 CPC for correction in the judgment and decree passed by the Court on 31.5.2006 was rejected. The application was made for seeking amendment in the surname of defendant no.1, which in the suit was indicated as Bediya and was sought to be corrected as Gurjar on the premise that in the agreement to sale, it was

mentioned as Gurjar. The learned trial court rejected the application on the ground that not only in the plaint but also in the affidavit of the defendant, his sir name is mentioned as Bedia and service of notice was also affected with that surname. The learned trial court therefore did not find that this kind of mistake in the judgment falls within the purview of Section 152 of CPC as Section 152 is confined to correcting only those mistakes which are clerical and arithmetical in nature. In my view the order passed by the trial court does not suffer from any illegality. I do not find any merit in this writ petition. The writ petition stands dismissed.

(Mohammad Rafiq),J.

Rs/-